

REMARKS

The Office Action of July 10, 2009, has been carefully reviewed and these remarks are responsive thereto. Claims 2, 8, 9, 11-14, and 18-20 were previously canceled. Claim 25 has been added in the present paper. No new matter has been added. Claims 1, 3-7, 10, 15-17, and 21-25 are presented for examination upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1, 3-7, 10, 15-17, and 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. pat. no. 5,223,924 to Strubbe (“Strubbe ‘924”) (incorporating by reference U.S. pat. no. 5,047,867 to Strubbe et al. (“Strubbe ‘867”)) in view of U.S. pat. no. 5,410,326 to Goldstein (“Goldstein”). This rejection is traversed below.

Amended independent claim 1 recites, among other features, “generating an electronic program guide for controlling display of content on a television screen based on a reprogrammable menu format stored in the memory, wherein a reprogramming of the reprogrammable menu format occurs responsive to receiving an interruption sequence on a program control information channel.” Illustrative, non-limiting written description support for the amended features is provided in the originally filed specification when read as a whole, and, for example, at page 39, lines 1-18.

None of the references teach or suggest the above-noted features recited in claim 1. For example, Strubbe ‘924 at col. 2, lines 50-60 and col. 3, line 59 – col. 4, line 2 merely describes that programming information data (PID) describing future programming is periodically provided via a digital transmission system. Even assuming (without admitting) that the PID could appropriately be analogized to the menu format recited in claim 1, Strubbe ‘924 fails to teach or suggest that the menu format is a reprogrammable menu format that is stored in a memory of a set top terminal, much less that a reprogramming of the reprogrammable menu format occurs responsive to receiving

an interruption sequence on a program control information channel as recited in claim 1. Accordingly, claim 1 is allowable over Strubbe '924 for at least these reasons.

Strubbe '867 and Goldstein fail to remedy the deficiencies of Strubbe '924 described above. As such, claim 1 is allowable over the references (notwithstanding whether any combination of the references is proper).

Amended independent claims 7, 16, 21, and 23 recite features similar to those discussed above with respect to claim 1. Accordingly, claims 7, 16, 21, and 23 are allowable for at least reasons similar to those discussed above with respect to claim 1.

Moreover, independent claim 7 recites, among other features, "means for generating an interactive program menu on the television based on a reprogrammable menu format received from a cable head end and stored in the memory." As discussed above with respect to claim 1, the references fail to teach or suggest features related to generating an interactive program menu on a television based on a reprogrammable menu format stored in a memory. Claim 7 further provides that the reprogrammable menu format is received from a cable head end. The references fail to teach or suggest such additional features. Accordingly, claim 7 is further allowable for at least these reasons.

The dependent claims are allowable for at least the same reasons as their respective base claims, and are also further allowable in view of the unique limitations recited in each respective dependent claim.

New Claim(s)

Claim 25, which depends from claim 1, recites "wherein an allocation of a bandwidth associated with the received television signal is dynamically changed based on a category of programming associated with the received television signal, and wherein a menu capacity associated with the electronic program guide is dynamically modified in response to the change in bandwidth." Illustrative, non-limiting written description support for the amended features is provided in the originally filed specification when read as a whole, and, for example, at page 21, lines 3-27.

Strubbe '924 fails to teach or suggest the above-noted features recited in claim 25. Strubbe '867 fails to remedy the deficiencies of Strube '924 described above with respect to claim 25. Specifically, Strubbe '867 fails to teach or suggest features related to an

allocation of a bandwidth associated with a received television signal is dynamically changed based on a category of programming associated with the received television signal, and wherein a menu capacity associated with an electronic program guide is dynamically modified in response to the change in bandwidth. Instead, Strubbe '867 at col. 3, line 59 – col. 5, line 19 and Figures 4-5 describes sequencing through a channel ring responsive to a user's depression of a channel up or channel down button on a remote control device in order to reach a second list (e.g., List 2) of extended channels. As such, even assuming (without admitting) that the channel ring in Strubbe '867 could appropriately be analogized to the recited electronic program guide, Strubbe '867 requires a user to cycle through the channel ring before obtaining access to the extended channels. Conversely, claim 25 recites features related to dynamically modifying a menu capacity associated with an electronic program guide. Accordingly, claim 25 is allowable over Strubbe '867 for at least these reasons.

Moreover, as recited in claim 25, the modification of the menu capacity is in response to a change in an allocation of bandwidth associated with a received television signal based on a category of programming associated with the received television signal. Strubbe '867 fails to teach or suggest such features. As such, claim 25 is further allowable over Strubbe '867 for at least these additional reasons.

Goldstein fails to remedy the deficiencies of Strubbe '924 and Strubbe '867 described above with respect to claim 25. Thus, notwithstanding whether any combination of Strubbe '924, Strubbe '867, and Goldstein is proper, the combination fails to result in at least the above-noted features recited in claim 25. As such, claim 25 is allowable for at least the foregoing reasons.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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